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**OFFICE OF PETITIONS**

In re Application of :  
Smith et al. :  
Application Number: 10/764995 :  
Filing or 371(c) Date: 01/26/2004 :  
Attorney Docket Number: PA0959.ap.US :

ON PETITION

This is a decision on the Petition Under 37 C.F.R. § 1.182 to Remove Terminal Disclaimer, filed August 4, 2008.

The petition is dismissed.

Applicant files the present petition and requests withdrawal of the Terminal Disclaimer ("TD"), and in support of the petition, states that Applicant's have decided to cancel claim 75, and all claims dependent therefrom, in the copending application, U.S. Application 10/910,713. "This action will remove the provisional rejection and obviates the need for the Terminal Disclaimer." Petition at p.3.

The Examiner has reviewed the request and provides that the claims in U.S. Application 10/910,713 were not canceled, but withdrawn. The TD therefore remains proper, and the Examiner has not agreed to allow withdrawal of the Terminal Disclaimer.

The application is being referred to Technology Center Art Unit 3714 for processing of the Appeal Brief, filed September 26, 2008, and for continued examination in the normal course of business.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition  
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Telephone inquiries regarding the Terminal Disclaimer should be directed to the Examiner.  
Telephone inquiries concerning this Decision should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/  
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